

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**LEBERT A. GORDON,**

**Petitioner,**

**v.**

**Civil Action No. 1:07cv85  
(Judge Keeley)**

**FEDERAL BUREAU OF PRISONS,**

**Respondent.**

**ORDER DENYING MOTION FOR COUNSEL**

On June 25, 2007, *pro se* petitioner, Lebert Gordon, filed a petition for Writ of Mandamus and Habeas Corpus in the United States District Court for the District of Columbia. On April 23, 2007, that Court determined that the petitioner's remedy lies exclusively in a writ of habeas corpus and transferred the matter to this Court because the petitioner is incarcerated at USP Hazelton, which is located in the Northern District of West Virginia.

On July 2, 2007, the petitioner filed a Motion for appointment of counsel. In contrast to a criminal proceeding in which the Court has a duty to assign counsel to represent an indigent defendant in accordance with his constitutional rights, the Court in a civil case has the discretion to request an attorney to represent a person unable to employ counsel. See 28 U.S.C. §1915(e)(1). It is well settled that in a civil action the Court should appoint counsel to represent an indigent only after a showing of a particular need or exceptional circumstances. Cook v. Bounds, 518 F.2d 779 (4<sup>th</sup> Cir. 1975). The petitioner has failed to demonstrate that his current circumstances require the appointment of counsel for him to pursue his habeas corpus petition. Accordingly, the petitioner's motion for appointment of counsel (dckt. 7) is **DENIED**.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* petitioner and any counsel of record.

DATED: August 22, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE